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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,446	12/12/2003	Seungyun Yoon	TN329	2038

7590 11/30/2006  
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EXAMINER

NEWTON, JARED W

ART UNIT	PAPER NUMBER
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3692

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/735,446

Applicant(s)

YOON ET AL.

Examiner

Jared W. Newton

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6,9-14 and 17-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-14,17-25 and 27-32 is/are rejected.
- 7) ☒ Claim(s) 26 and 33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some.\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 09-14-06.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This action is in reply to the remarks filed September 14, 2006, by which claims 1, 10, 18, 27, 28, 30, and 31 were amended. This action is non-final in view of the omission of proper motivation for the 35 U.S.C. § 103(a) rejection of Raymond in view of Wang set forth in the Office Action mailed June 27, 2006.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on September 14, 2006 was filed after the mailing date of the Non-final Rejection on June 27, 2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "plurality of supports," "interior region," "first portions," and "second portions" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

Art Unit: 3634

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 18-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, the claims as amended include the limitation, "an interior region located between the plurality of supports . . . wherein the interior region includes first portions . . . and second portions" (see claim 18, lines 4-8). In particular, the Specification as originally filed does not define the claimed interior

Art Unit: 3634

region in such a manner as to allow one of ordinary skill in the art to discern which region is the interior region, and further, which portions of said region are considered "first portions" and "second portions". Appropriate clarification, correction, or cancellation of the claims is required. No new matter should be entered.

Claims 18-29 are further rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claim limitations defining the "interior section," "first portions," and "second portions" contradict the Drawings and Specification as originally filed (please see response to arguments below). Appropriate clarification, correction, or cancellation of the claims is required. No new matter should be entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 9-13, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 2,182,546 to Raymond.

In regard to claims 1, 9, 10, and 17, Raymond discloses a hinge comprising: a first plate 4 having a surface 5 for receiving a component 19; a second plate 3 having a

Art Unit: 3634

surface for attachment to a frame or rack and cooperating with the first plate to form a combination of mounting plates, and a flange 11 extending from a longitudinal edge of the surface of the second plate; wherein the first plate is pivotally connected to the second plate so that, in a first position, the first plate is adjacent to and in substantial alignment with the second plate and, in a second position, the first plate is rotated to an orientation which longitudinally projects from the second plate; and a locking mechanism 12 fixed to the flange of the second plate, wherein the locking mechanism includes a tip 15 which is movably coupled with the flange 11 of the second plate by extending through an aperture formed in said flange (see FIG. 5), for selectively engaging the component 19 received by the first plate (see FIG. 4), wherein said tip is capable of being manually retracted.

In regard to claims 2-5, and 11-13, Raymond discloses the fixture of claim 1, and further discloses said first and second plates forming an angle, a hinged connection between said first and second plate, wherein said hinge is positioned along lateral edges of each plate, and said first and second plates having substantially rectangular shapes (see FIGS. 1 and 4).

Claims 18-25, and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,079,081 Padiak et al., ~~and~~

In regard to claim 18, Padiak et al. disclose a fixture in combination with a component and a storage rack 10 for supporting a plurality of components 12, wherein the rack is comprised of a plurality of supports 18 which combine to define a region

located between the plurality of supports, for receiving the plurality of components, wherein the region includes first portions for freely accessing the components, and second portions defining an area of limited access which is at least partially blocked by the supports of the rack, and wherein the fixture comprises: a first plate 134 having a surface for receiving the component; and a second plate 130 having a surface 168 attached to the rack and cooperating with the first plate to form a combination of mounting plates; wherein the first plate is pivotally connected to the second plate by a hinge (pin 32, and openings 144 and 140—see FIG. 3) which operatively connects the mounting plates so that, in a first position, the first plate is located within the second portions of the region defined by the plurality of supports, adjacent to and in substantial alignment with the second plate and, in a second position, the first plate is rotated to an orientation which longitudinally projects from the second plate and which is located within the first portions of the region defined by the plurality of supports (see FIG. 1).

In regard to claim 19, Padiak et al. further disclose the hinges mounted on the lateral edges of the plates (see FIG. 3).

In regard to claim 20, Padiak et al. further disclose said plates forming an angle (see FIG. 4).

In regard to claim 21, Padiak et al. further disclose said plates having substantially rectangular shapes (see FIG. 3).

In regard to claim 22, Padiak et al. further disclose a notch disposed in said first plate on an opposite side of said plate than said hinge (see FIG. 3).

In regard to claim 23, Padiak et al. further disclose a flange 148 extending from a longitudinal edge of said second plate (see FIG. 3).

In regard to claim 24, Padiak et al. further disclose a locking mechanism 154 fixed to the flange of the second plate (see FIG. 3).

In regard to claim 25, Padiak et al. further disclose said locking mechanism including a tip 156, which is movably coupled with the flange 148 of the second plate, thereby selectively engaging the component received by the first plate (see FIG. 4).

In regard to claim 27, Padiak et al. further disclose an aperture 174 (74) disposed in said second mounting plate, intended to receive a fastener 76 to connect said second plate to said rack (see FIGS. 3 and 4).

In regard to claim 28, said component is supported by said plates within the second portions of the region defined by the plurality of supports when the first plate is in the first position (see FIG. 1).

In regard to claim 29, said first plate is connected to the side of said component 12 via fasteners and apertures 138 (38) (see FIG. 3).

Claims 1, 10, and 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 1,898,562 to More (Please see Examiner's Figure 1E below for reference).

In regard to claims 1 and 10 More discloses a door hinge fixture comprising: a first plate 10 having a surface for receiving a component (door); a second plate 11 having a surface for attachment to a frame or rack and cooperating with the first plate to



form a combination of mounting plates, and a flange 12 extending from a longitudinal edge of the surface of the second plate; wherein the first plate is pivotally connected to the second plate so that, in a first position, the first plate is adjacent to and in substantial alignment with the second plate and, in a second position, the first plate is rotated to an orientation which longitudinally projects from the second plate; and a locking mechanism 13 fixed to the flange of the second plate, wherein the locking mechanism includes a tip 14 which is movably coupled with the flange of the second plate for selectively engaging the component received by the first plate, wherein said tip is capable of being manually retracted.

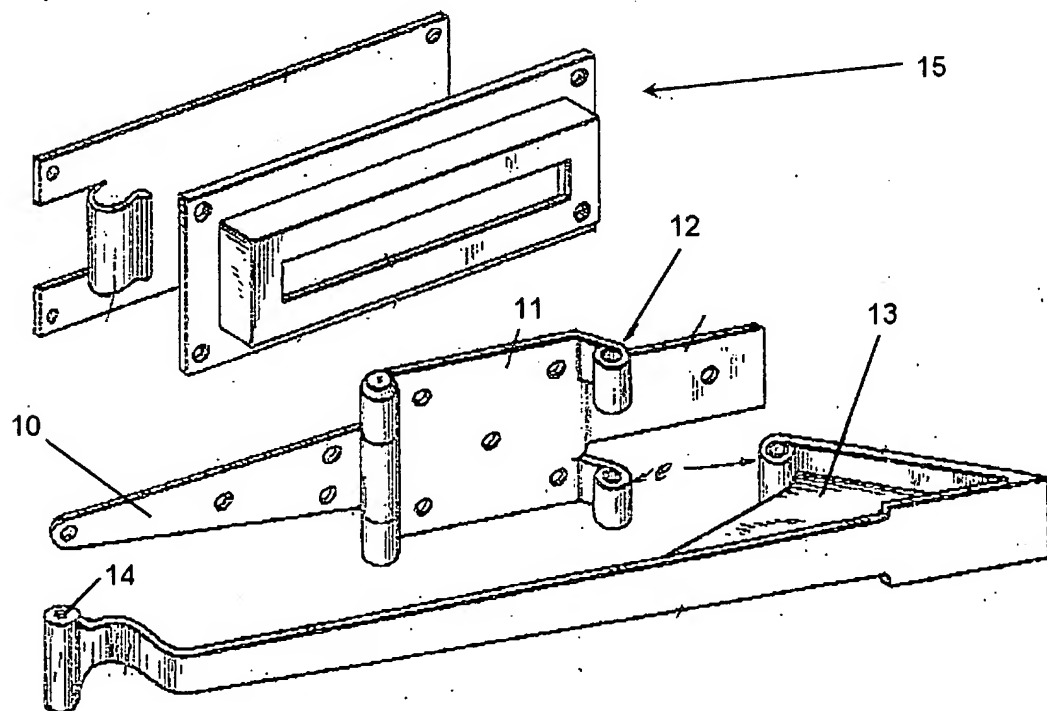


FIGURE 1E: Examiner's Figure of the More reference

In regard to claims 30-32, More further discloses a bracket 15 for association with the component received by the first plate and spaced from the hinge fixture, for selective engagement by the tip of the locking mechanism.

***Claim Rejections - 35 USC § 103***

Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over '546 to Raymond as applied to claims 1-5, 9-13, and 17 above, alone.

Raymond does not disclose a notch formed in the edge of said first plate opposing said hinge.

The Examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art at the time of the invention to include a notch, or any other type or shape of cutout in the edge opposed to the hinge of the device of Raymond. It is well known and obvious in the art of hinged plates to provide various shaped cutouts or notches in any portion of said plates, so as to accommodate various types of hardware that may be used to attach said plates to a surface. Here, it would be obvious to provide a cutout in the edge of the hinge plate disclosed by Raymond, to allow additional hardware to be inserted therethrough, and thus create a more secure overall connection.

***Allowable Subject Matter***

Claims 26 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, if said base claim and intervening claims are rewritten to overcome the rejection(s) under 35 U.S.C. 112, set forth in this Office action.

***Response to Arguments***

In view of the Amendments filed September 14, 2006, the rejection of claim 30 under 35 U.S.C. § 112 set forth in the Office Action mailed June 27, 2006 is hereby withdrawn.

Applicant's arguments filed September 14, 2006 have been fully considered but they are not persuasive.

With respect to the rejections based on US Patent No. 2,182, 546 to Raymond (Raymond), the Applicant asserts that the tip disclosed by Raymond is not "manually retractable." Because the limitation "manually retractable" is based on use by an individual, a reference need only be capable of being manually retractable, and need not be explicitly shown as manually retracted. The Applicant asserts that manual retraction of the tip disclosed by Raymond is impossible because of the "closed outer end 13" (see Remarks, pg. 11, line 17) (citing Raymond col. 1, lines 51 and 52). However, as explicitly shown in Figure 2, Raymond goes on to recite, "A bolt 17 slidably extended through the closed end 13 of each housing 12 and threaded into the related

Art Unit: 3634

latch..." (see Raymond, col. 1, lines 56-58). This inclusion of the bolt, having one end threaded into the retractable tip, and the other end extending through the "closed end" of the housing, makes possible retraction of the tip by an individual, by grasping the second end of the bolt, which is disposed outside of said housing, and pulling it away from said housing. Thus, said tip is capable of being manually retracted, and meets the claim limitation "manually retractable."

The Applicant further recites, "Raymond also does not disclose 'a flange extending from a longitudinal edge of the surface of the second plate' . . . but rather positions the angled bracket 10 along a lateral edge . . ." (see Remarks, pg. 11, lines 11-15). The terms "longitudinal" and "lateral" depend on the orientation of both the device disclosed by Raymond, as well as the present invention. It is well within the scope of the invention of Raymond to position said device so as to support a door, window, or the like in at any angle or orientation. Thus, depending on said orientation, what may be considered an edge extending in a "longitudinal" direction by one may be considered as extending in a "lateral" direction by another.

The Applicant further asserts that the operation of Raymond is "structurally inconsistent with a manually retractable locking mechanism" (see Remarks, pg. 11, lines 24-26). This argument is unavailing. As set forth above, the tip disclosed by Raymond is manually retractable. Further, there is no recitation in the claims to support the assertion that Raymond is structurally inconsistent with the present invention—each device includes two hingedly attached plates, a flange extending from one of said plates, a locking device having a retractable tip extending through a hole in said flange,

and said locking device capable of maintaining one of said plates in a locked position relative to the other of said plates. Also, the tip of Raymond frictionally engages the component in a camming relationship, which is analogous to the operation of the present invention set forth in the Specification: "the tip 17 of the plunger 14 can directly engaged portions of the component . . . frictionally . . . " (Page 8, lines 19-21).

With respect to the rejections based on US Patent No. 6,079,081 to Padiak et al. (Padiak), the Applicant has included the claim limitation, "an interior region located between the plurality of supports . . . wherein the interior region includes first portions . . . and second portions" (see claim 18, lines 4-8). As set forth in the 35 U.S.C. § 112 1<sup>st</sup> Paragraph rejections above, the inclusion of this claim limitation is deemed new subject matter. The Applicant points to line 9 of page 7 and lines 14-22 of page 1 of the Specification to support the new limitation (see Remarks, pg. 13, lines 2-4). The Examiner fails to see how these recitations in the Specification provide sufficient antecedent basis for the newly added limitation, especially in light of the fact that the drawings do not show: "a plurality of supports", "an interior region," "first portions," or "second portions."

Further, even if the "interior portions" (spec. pg. 7, line 9) are construed to define the "interior regions" as claimed in newly amended claims 18-29, these interior portions do not include "first portions" and "second portions" as recited in claim 18. Any mention of first or second portions is absent in the Specification as originally filed, and not referenced in the drawings. Also, the Specification recites, "the flange 6 facing interior

Art Unit: 3634

portions of the rack which includes the support 30" (pg. 7, line 9). In light of this reading, when the component 33 is aligned with the flange 6 in a "locked" position as shown in Figure 5 of the drawings, the component is located in the "interior portions." This orientation shown in Figure 5 also puts the component in an "area of limited access," which according to claim 18, is defined as the "second portions" of the "interior region." The specification further defines a "deployed position" (pg. 8, line 32) of the component when it is "withdrawn from the area of limited access" (pg. 8, lines 11-12), said deployed position shown in Figure 6. Claim 18 defines the area for freely accessing the components as the "first portions" of the "interior region." However, the foregoing presents an inconsistency between the Specification and the claims because as shown in Figure 6, the "deployed position" (for freely accessing the component) positions the component outside of the "interior portions" defined in the Specification, because the component is swung away from the direction in which the flange 6 faces. Therefore, a reading of the Specification in view of the drawings puts the "deployed position" of the component outside of the "interior portions," which directly contradicts the newly added claim requirement that the "first portions for freely accessing the components" be located within the "interior regions."

In summary, the "first portions" and "second portions" defined in the claims rely on an "interior region" that in turn relies on "a plurality of supports" that is not shown or defined in the Specification sufficiently to allow one of ordinary skill in the art to make or use the invention as claimed. Also not shown in the drawings are "interior regions," which the Remarks of September 14, 2006 equate to the newly added "interior portions"

of claims 18-29. These regions are vaguely defined in the Specification, but not consistent with the "interior portions" as set forth in the claims. Appropriate clarification or cancellation of the claims is required. No new matter should be added.

In regard to the Padiak reference itself, the Examiner respectfully traverses the Applicant's interpretation of the Examiner's reading of the Padiak reference as discussed in the interview of August 24, 2006. The Examiner asserts that the Padiak reference reads on the claim limitations as set forth above, in that it comprises: a rack having four support posts 18; a first plate 134 having a surface for receiving a component (a door), and a second plate for attachment to said support posts; wherein when the first and second plate are in substantial alignment, said component is in a position of limited access (because the rear of said component is not fully accessible from the front of said rack); and wherein when said first plate is rotated to an orientation that longitudinally projects from the second plate, said component is fully accessible. This operation is considered to be fully consistent with the claim limitations read in view of the Specification and Figures 5 and 6, wherein: the first plate 3 of the fixture is attached to a component; the second plate 2 is attached to support 30; when said first and second plates are aligned, the component is in a position of limited access; and when the first plate is rotated outward away from the rear of the rack 34 (spec. pg. 8, lines 7-8), to a position that longitudinally projects from the second plate, said component is fully accessible.

With respect to the rejections based on US Patent No. 1,898,562 to More (More), the Applicant recites, "there is no disclosure by More of a manually retractable locking mechanism which is movably coupled with the flange that receives it" (see Remarks, pg. 13, lines 23-25). On the contrary, More discloses a latch that is hingedly, and therefore movably coupled to the flange that it hinges with.

The lock mechanism (a), which includes tip (i) (see FIG. 4), meets the claim limitation "manually retractable." Because the limitation "manually retractable" is based on use by an individual, a reference need only be capable of being manually retracted, and need not be explicitly shown as being manually retracted. The applicant asserts, "manual engagement of the pin (i) is precluded" (Remarks, pg. 14, lines 15-16). However, tip (i) is formed as a unitary portion of member (a), which is inherently capable of being grasped and pushed in the direction of the closing door, thereby retracting the tip.

The Applicant further recites, "More also does not disclose 'a flange extending from a longitudinal edge of the surface of the second plate' . . . but rather positions the hinged connection e along a lateral edge of the hinge plate d . . . ." (see Remarks, pg. 14, lines 2-5). The terms "longitudinal" and "lateral" depend on the orientation of the device disclosed by More, as well as the present invention. It is well within the scope of the invention of More to position said device so as to support a door, window, or the like at any angle or orientation. Thus, depending on said orientation, what may be considered an edge extending in a "longitudinal" direction by one may be considered as extending in a "lateral" direction by another.



The Applicant further recites, "More also does not disclose "selective engagement of the component received by the first plate" (Remarks, pg. 14, lines 7-8). The limitation "to selectively engage the component received by the first plate" (claims 1 and 10) is interpreted to mean that tip is capable of being in an engaged position relative to the component, as well has a disengaged position. In More, the component is a door, including plate (m) attached thereto, and adapted to receive the tip (i) in its curved latch member (n) (analogous to the bracket 36 of the present invention shown in Figure 6). As shown in Figure 2 of More, the tip is in an engaged position with the door, because it holds the door in a locked, open orientation. When the tip is retracted (manually or otherwise) from the latch portion (n), the door returns to the orientation shown in Figure 1, disengaged from the tip (i). The fact that the device of More has a keeper to guide the motion of tip (i) does not detract from the fact that the tip engages the component in a first position (Figure 2), and disengages the component in a second position (Figure 1). It is further noted that the width of the keeper (j) relative to that of the tip (i) shown in Figure 2 of More indicates that the tip and arm assembly (a) are capable of being completely out of contact with the keeper, as well as the door and plate (m).

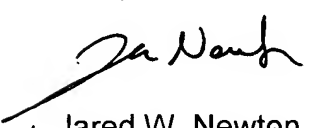
With respect to the rejections based on Raymond in view of US Patent No. 6,523,223 to Wang (Wang), the Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

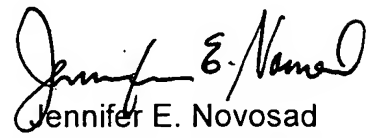
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared W. Newton whose telephone number is (571) 272-2952. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jared W. Newton  
November 20, 2006  
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